

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

No.	CV 24-01445-WDK (AS)	Date	December 30, 2024
Title	<i>Jerry Benjamin Soper III v. City of Huntington Beach, et. al.,</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not present

Not present

**Proceedings (In Chambers):**

**ORDER TO SHOW CAUSE RE LACK OF PROSECUTION**

On November 14, 2024, the Court issued an Order dismissing the Complaint with leave to amend, setting forth the deficiencies in the Complaint and directing Plaintiff to file a First Amended Complaint if he wished to pursue this case. (Dkt. No. 11). Plaintiff was ordered to file a First Amended Complaint “no later than 30 days from the date of [the Court’s] Order.” (*Id.* at 12). Since the Order was issued on November 14, 2024, Plaintiff was required to file a First Amended Complaint no later than December 16, 2024. Plaintiff was “explicitly cautioned that failure to timely file a First Amended Complaint, . . . may result in a recommendation that this action, or portions thereof, be dismissed with prejudice for failure to prosecute and/or failure to comply with court orders. *Id.*”

To date, Plaintiff has failed to file a First Amended Complaint, seek an extension of time to do so, or otherwise communicate with the Court. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE, in writing, no later than January 20, 2025**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a First Amended Complaint that complies with the November 14, 2024 Order dismissing Plaintiff’s Complaint with leave to amend (Dkt. No. 11), a copy of which is attached to this Order, or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a First Amended Complaint.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). A notice of dismissal form is attached for Plaintiff’s convenience.

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Plaintiff is warned that a failure to timely respond to this Order **will** result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

**IT IS SO ORDERED.**

cc: William D. Keller  
United States District Judge